

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

SUE ANN MOORE HAGAN,

Plaintiff,

v.

FEDERAL INSURANCE COMPANY,

Defendant.

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CIVIL ACTION NO. 4:15-cv-00757

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant, Federal Insurance Company, and files this its Notice of Removal to the United States District Court for the Northern District of Texas, Fort Worth Division and in support thereof would respectfully show the Court as follows:

I.

The above-entitled action was commenced in the 352nd Judicial District Court of Tarrant County, Texas, on March 9, 2015, wherein it was assigned Cause No. 352-277239-15 (the “State Court Action”). Defendant was served with citation and a copy of Plaintiff’s Original Petition on September 18, 2015. Accordingly, this Notice is timely, in that it was filed within thirty (30) days of Defendant’s first receipt of a pleading, motion or other paper from which it may be ascertained that the case has become removable within the meaning of 28 U.S.C. § 1446(b).

II.

This action may be removed to this Court by Defendant pursuant to 28 U.S.C. § 1332 because Plaintiff’s claims for relief are of a civil nature based upon alleged claims of breach of contract and a request for a declaratory judgment, for which Plaintiff seeks to recover damages in

excess of \$75,000. The present suit is an action over which this United States District Court has jurisdiction because of diversity of citizenship.

III.

It is alleged that Plaintiff, Sue Ann Moore Hagan (“Hagan”), is an individual residing in Tarrant County, Texas, but based on information and belief, is currently residing and domiciled in Ohio. Under applicable law, Plaintiff, both now and when this action was filed, is either a citizen of Texas or Ohio.

At the time of the filing of this action, FIC is and still remains an Indiana corporation with its principal place of business in New Jersey, making it a citizen of the States of Indiana and New Jersey for purposes of diversity of citizenship.

IV.

Venue is proper in the United States District Court for the Northern District of Texas, Fort Worth Division, under 28 U.S.C. §§124(a)(5) and 1441(a) because this district and division embrace the place in which the removed action has been pending.

V.

Pursuant to 28 U.S.C. §1446(d), this Notice of Removal will be filed with the 352nd District Court of Tarrant County, Texas.

VI.

Attached as Exhibit “A” is an appendix of all documents filed in the State Court Action that identifies each document and indicates the date the document was filed in state court, including the state court docket sheet and all process, pleadings and orders filed or entered in the State Court Action. Defendant has filed contemporaneously with this Notice a civil cover sheet, a supplemental cover sheet, and a separately signed certificate of interested persons and disclosure statement that complies with Rule 7.1 of the Federal Rule of Civil Procedure.

WHEREFORE, Defendant prays that the above cause of action now pending in the 352nd Judicial District Court of Tarrant County, Texas be removed to the United States District Court for the Northern District of Texas, Fort Worth Division.

Respectfully submitted,

/S/JAMES H. MOODY, III
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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was forwarded to all parties or their counsel of record via the Court's ECF system on October 8, 2015.

/S/JAMES H. MOODY, III
JAMES H. MOODY, III